

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFERY BROWN, *et al.*,

Plaintiffs,

Case No. 20-cv-11027

Hon. Matthew F. Leitman

v.

VEDOS EXPRESS LLC, *et al.*,

Defendants.

**ORDER DISMISSING PLAINTIFFS' FIRST AMENDED
COMPLAINT (ECF No. 6) WITHOUT PREJUDICE**

On April 30, 2020, Plaintiffs Jeffery Brown and Joffari Edmond Brown filed this action against Defendants Vedos Express LLC, Rudz Services LLC, and Joseph Charles Quirk. (*See* Compl., ECF No. 1.) Plaintiffs bring state-law claims against Defendants arising from an automobile collision between Plaintiffs and Quirk, who Plaintiffs allege was employed by Vedos Express LLC and was driving a tractor-trailer with the consent of the vehicle's owners: Vedos Express LLC and/or Rudz Services LLC. (*See id.*) Plaintiffs appear to invoke this Court's diversity jurisdiction pursuant to 28 U.S.C. § 1332.

On May 1, 2020, the Court ordered Plaintiffs to show cause why their action should not be dismissed for lack of subject matter jurisdiction or to file an amended complaint providing sufficient factual support to establish this Court's subject matter

jurisdiction. (*See* Show Cause Order, ECF No. 2.) As the Court explained in its Show Cause Order, the Court could not conclude that it had diversity jurisdiction over this action because Plaintiffs failed to adequately plead the citizenship of Vedos Express LLC and Rudz Services LLC:

For diversity purposes, a corporation is “a citizen of every State . . . by which it has been incorporated and of the State . . . where it has its principal place of business.” 28 U.S.C. § 1332(c)(1). In contrast, a limited liability company is a citizen of each state in which one or more of its members is a citizen. *See V & M Star, LP v. Centimark Corp.*, 596 F.3d 354, 356 (6th Cir. 2010); *see also Trident-Allied Assocs., LLC v. Cypress Creek Assocs., LLC*, 317 F. Supp. 2d 752, 753 (E.D. Mich. 2004) (“For purposes of diversity, the citizenship of limited liability companies is the citizenship of each of its members.”). *Thus, to plead the citizenship of a limited liability company, a party must allege the citizenship of each member of the LLC.*

At this time, the Court cannot conclude that it has subject matter jurisdiction over this action because . . . Plaintiffs have not properly alleged the citizenship of Vedos Express LLC and Rudz Services LLC.

(*Id.*, PageID.16–17; emphasis added.)

Plaintiffs filed a First Amended Complaint on May 22, 2020. (*See* First Am. Compl., ECF No. 6.) Plaintiffs allege that “[u]pon information and belief, Defendant Vedos Express LLC, is a foreign corporation with its principal office being located in Waterford Wisconsin and its registered agent being located in Franksville, Wisconsin.” (*Id.* ¶ 7, PageID.26.) And Plaintiffs allege that “[u]pon information and

belief, Defendant Rudz Services LLC, is a foreign corporation with its principal office being located in Waterford Wisconsin.” (*Id.* ¶ 9, PageID.27.)

Plaintiffs’ First Amended Complaint again fails to adequately plead the citizenship of Defendants Vedos Express LLC and Rudz Services LLC. Alleging the location of an LLC’s “principal office” or “registered agent” is insufficient. Rather, as the Court clearly explained in its Show Cause Order, Plaintiffs were required to “allege the citizenship of each member of the LLC.” (Show Cause Order, ECF No. 2, PageID.17.)

Because Plaintiffs have not identified the citizenship of each member of Vedos Express LLC and Rudz Services LLC, the Court is unable to determine if there is complete diversity of citizenship in this action. Thus, the Court is unable to determine if it has subject matter jurisdiction over this action.

Accordingly, **IT IS HEREBY ORDERED** that Plaintiffs’ First Amended Complaint is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: June 5, 2020

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 5, 2020, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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